

TRANSLATION **PATENT COOPERATION TREATY**
PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 30)

Applicant's or agent's file reference P050668WOHR05	FOR FURTHER ACTION	See Form PCT/IPEA/316
International application No. PCT/EP2005/004133	International filing date (day/month/year) 19.04.2005	Priority date (day/month/year) 26.04.2004
International Patent Classification (IPC) or national classification and EPO A61F2/00		
Applicant GFE MEDIZINTECHNIK GMBH		

<p>1. This report is the international patentability examination report, established by this International Preliminary Examining Authority under Article 36 and transmitted to the applicant according to Article 36.</p> <p>2. This RIEPPI consists of a total of _____ sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <ul style="list-style-type: none"> a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of 2 sheets, as follows: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 30.16 and Section 602 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in Item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____ containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 602 of the Administrative Instructions). 	
<p>4. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 36(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input checked="" type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application 	
Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Fax/Email No.	Telephone No.

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Box No. 1 Basis of the report	
<p>1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.</p> <p><input type="checkbox"/> This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:</p> <ul style="list-style-type: none"> <input type="checkbox"/> international search (Rule 12.3 and 23.3(b)) <input type="checkbox"/> publication of the international application (Rule 12.4) <input type="checkbox"/> international preliminary examination (Rule 33.2 and/or 33.5) <p>2. With regard to the elements of the international application, this report is based on <i>replacement sheets which have been furnished to the examining Office in response to an invitation under Article 14</i> are referred to in this report as "originally filed" and are not repeated in this report.</p> <p><input type="checkbox"/> the international application as originally filed/furnished</p> <p><input checked="" type="checkbox"/> the description:</p> <p>pages 3-8 _____ as originally filed/furnished</p> <p>pages^a _____ received by this Authority on _____</p> <p>pages^b _____ received by this Authority on _____</p> <p><input checked="" type="checkbox"/> the claims:</p> <p>968. _____ as originally filed/furnished</p> <p>968^a _____ as amended (together with any statement) under Article 19 25.02.2006 with letter 968^b 3-8 received by this Authority on <u>of 24.02.2006</u></p> <p>notes^c _____ received by this Authority on _____</p> <p><input checked="" type="checkbox"/> the drawings:</p> <p>sheets 1/2, 2/2 _____ as originally filed/furnished</p> <p>sheets^a _____ received by this Authority on _____</p> <p>sheets^b _____ received by this Authority on _____</p> <p><input type="checkbox"/> a sequence listing and/or any related table(s) -- see Supplemental Box Relating to Sequence Listing.</p> <p>3. <input type="checkbox"/> The amendments have resulted in the cancellation of:</p> <p><input type="checkbox"/> the description, pages _____</p> <p><input type="checkbox"/> the claims, nos. _____</p> <p><input type="checkbox"/> the drawings, sheet/sig. _____</p> <p><input type="checkbox"/> the sequence listing (specify): _____</p> <p><input type="checkbox"/> any table(s) related to sequence listing (specify): _____</p> <p>4. <input type="checkbox"/> This report has been established as if some of the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 33.3(c)).</p> <p><input type="checkbox"/> the description, pages _____</p> <p><input type="checkbox"/> the claims, nos. _____</p> <p><input type="checkbox"/> the drawings, sheet/sig. _____</p> <p><input type="checkbox"/> the sequence listing (specify): _____</p> <p><input type="checkbox"/> any table(s) related to sequence listing (specify): _____</p>	

^a If item 4 applies, some or all of these sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY			International application No. PCT/EP2005/004133
Box No. V	Reasoned statements under Article 30(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statements		
1. Statement			
Novelty (A)	Claims	1 - 6	YES
	Claims		NO
Inventive step (B)	Claims	1 - 6	YES
	Claims		NO
Industrial applicability (A)	Claims	1 - 6	YES
	Claims		NO
2. Citations and explanations (Rule 70(2))			
<p>Reference is made to the following documents:</p> <p>D1: US-A-20030171823</p> <p>D2: EP-A-0986993</p> <p>Document D1, which is considered the closest prior art, discloses (see figure 3) a hernia mesh, from which the subject matter of claim 1 differs in that the mesh has first and second annular mesh layers which have access slits that are offset relative to one another by 180°, wherein the two mesh layers are of identical design.</p> <p>The subject matter of claim 1 is therefore novel (PCT Article 33(2)).</p> <p>The problem addressed by the present invention can therefore be considered that of greatly simplifying the production process by comparison to the known technique, by producing the mesh layers from just one blank.</p> <p>The solution to this object, as proposed in claim 1 of the present application, involves an inventive step (PCT Article 33(3)), for the following reasons: No document</p>			

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations regarding such statement.

from the prior art discloses or in any way suggests the inventive feature. The prior art teaches that, in shaping of the hernia meshes, the main consideration was always their adaptation to the anatomy, not their simple production, with the result that the present invention goes against this preconception.

Claims 2-6 are dependent on claim 1 and thus also meet the PCT requirements for novelty and inventive step.

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Box No. VII. Certain defects in the International application

The following defects in the form or contents of the international application have been noted:

1. Independent claim 1 has not been correctly drafted in the two-part form defined by PCT Rule 6.3(b). Accordingly, the features known from document D1 should have been placed in the preamble and the remaining features specified in the characterizing part.
2. Pursuant to PCT Rule 5.1(a) (ii), the description should have cited document D1 and briefly outlined the relevant prior art contained therein. The applicant should make clear in the description which features of the subject matter of independent claim 1 are already known from document D1.